

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

CRAIG PARKER,

Plaintiff,

v.

**SPENCER DEBENEDETTI,
Individually and as a TOWN OF
MERRILLVILLE Police Officer,
and TOWN OF MERRILLVILLE,
INDIANA,**

Defendants.

CAUSE NO.

COMPLAINT

Comes now Plaintiff Craig Parker, by counsel, Cipriano Rodriguez III, and hereby states his cause of action against Defendants TOWN OF MERRILLVILLE, Indiana, and Spencer DeBenedetti, individually and in his official capacity as a TOWN OF MERRILLVILLE Police Officer as follows:

JURISDICTION

1. This cause of action is for damages based upon violations of the Fourth Amendment and Fifth Amendment to the United States constitution pursuant to 42 U.S.C. §1983. Jurisdiction is conferred upon this Court by 28 U.S.C. §1331 and 28 U.S.C. §1367.

PARTIES

2. Plaintiff Craig Parker is an adult resident of the City of Gary, County of Lake, State of Indiana.

3. Defendant Spencer DeBenedetti is an adult resident of the State of Indiana and is an employee of the TOWN OF MERRILLVILLE Police Department and was acting under the color of state law at all times relevant to this litigation.

4. Defendant TOWN OF MERRILLVILLE, Indiana, is a political subdivision of the State of Indiana.

GROUND FOR RELIEF

5. On August 27, 2016, Officer Spencer DeBenedetti was acting in the scope and capacity as a police officer for the TOWN OF MERRILLVILLE, Indiana and at all times relevant to this claim.

6. That on said date, Officer Spencer DeBenedetti handcuffed Craig Parker in Merrillville, Indiana, so that Craig Parker's handcuffed hands were behind his back.

7. Officer Spencer DeBenedetti placed the handcuffed Craig Parker in the police vehicle and drove Craig Parker into Gary, Indiana.

8. At some point and location in Gary, Indiana, on said date, Officer Spencer DeBenedetti stopped his vehicle and removed Plaintiff Craig Parker from that vehicle and slammed Craig Parker to the ground while he was handcuffed, causing Plaintiff Craig Parker's head to hit the pavement.

9. On August 28, 2016, Craig Parker discovered from his doctors that he had blood on his brain.

10. That the actions of Officer Spencer DeBenedetti were done with the intent of depriving the Plaintiff of his right to be free from an unreasonable seizure in violation of the Fourth Amendment, his right to due process under the Fifth Amendment to be free from excessive force, and his right to be accorded equal protection of the law guaranteed under the Fourteenth Amendment to the United States Constitution.

11. That as a direct and proximate result of the Defendants' actions as aforesaid, the Plaintiff sustained serious injuries due to the attack that required medical care and treatment along with the incidental and consequential expenses involved therewith.

12. That the Plaintiff has suffered an extreme amount of physical and emotional distress as a result of Defendants' actions as aforesaid.

CAUSES OF ACTION

13. As a result of the above, the Plaintiff's Fourth Amendment, Fifth Amendment and equal protection rights were violated due to the unreasonable seizure of his person due to the use of excessive force against him by Defendants.

14. That Officer Spencer DeBenedetti knew at the time of the deprivation of Plaintiff's constitutional rights that the constitution forbids such a willful deprivation of civil rights in the circumstances of this case.

15. That Defendant TOWN OF MERRILLVILLE through its Police Department acted carelessly, negligently and with deliberate indifference in failing to appropriately train Officer Spencer DeBenedetti on the Plaintiffs right to be free from unreasonable excessive force seizures under the Fourth Amendment, Fifth Amendment and the Fourteenth Amendment.

16. Defendant TOWN OF MERRILLVILLE further acted carelessly by allowing Officer Spencer DeBenedetti to act as a police officer when it knew that he was not fit for duty.

17. That the Defendant, TOWN OF MERRILLVILLE knew that Officer Spencer DeBenedetti used unreasonable force in dealing with citizens but did nothing to solve problems associated with these violations.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Craig Parker demands the following relief against Defendants.

- a. Compensatory damages for deprivation of his civil rights;

- b. Punitive damages against Officer Spencer DeBenedetti;
- c. Reasonable attorney fees, together with costs and expenses of litigation pursuant to 42 U.S.C. §1988;
- d. Just compensation for injuries and damages sustained by the Plaintiff; including damages for emotional distress; and
- e. All other just and proper relief in the premises pursuant to Federal Rule of Civil Procedure 54(c).

JURY DEMAND

Plaintiff demands trial by jury.

Respectfully submitted,



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